

**IN THE HIGH COURT OF UTTARAKHAND AT
NAINITAL.**

Writ Petition No. 319(SS) 2007

Jaswant Lal S/o Sri Chanan Dass,
Resident of Singh Colony, Gali no. 12, Rudrapur,
District Udham Singh Nagar. Petitioner.

Versus

1. Vice Chancellor Govind Ballabh Pant University,
Pantnagar, District U.S. Nagar,
2. The Registrar, G.B. Pant University,
Pantnagar, District U.S. Nagar,
3. The Comptroller/Secretary of the Board of Management,
G.B. Pant University, Pantnagar, District U.S. Nagar,
4. Chief Personnel Officer of G.B. Pant University,
Pantnagar, District U.S. Nagar, ...Respondents.

Sri B.S. Khanka, learned counsel for the petitioner,
Sri Rajendra Dobhal, learned counsel for the University/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri B.S. Khanka, learned counsel for the petitioner
and Sri Rajendra Dobhal, learned counsel for the G.B. Pant
University/respondents.

By means of this writ petition, the petitioner has prayed
for the following reliefs:-

- i. Issue a writ, order or direction in the nature of
mandamus commanding and directing to the
respondent to give service benefits fort pension since
the first joining 1975 to the petitioner and its benefits,
- ii. Issue an other writ, order or direction which this
Hon'ble Court may deem fit and proper in the
circumstances of the case,

iii. Award the cost of petition.

Stand of the petitioner is that he was appointed as Clerk in the Govind Ballabh Pant University in the year 1975. He resigned from his services w.e.f. 30th April 1988 on account of his mental illness. After about 9 months, he was provided reappointment in the University vide order dated 16.02.1989, however while providing reappointment a condition was imposed in the appointment order that the services rendered by the petitioner, prior to resignation, shall not be included for the purposed of service benefits. This condition was lateron waived out and modified by the Board of Management vide its resolution and in pursuance to this resolution, the Vice Chancellor passed order on 12th November 1992 for inclusion of the previous services rendered by the petitioner for the purposes of getting pensionary benefits. The earlier condition mentioned in the reappointment letter and the modified order expunging the condition by the Board of Management is quoted hereunder:-

मूल प्रस्तर	सं गोधित प्रस्तर
श्री जसवंत लाल को उनके त्यागपत्र देने से पहले की सेवा का कोई भी लाभ अनुमन्य नहीं होगा। त्यागपत्र के पहले की सेवा पैँ न तथा अन्य नैवृत्तिक लाभ के लिए भी सेवाकाल में नहीं जोड़ी जायेगी।	श्री जसवंत लाल को उनके त्यागपत्र देने से पहले की सेवा नियानुसार पैँ न तथा अन्य नैवृत्तिक लाभों के लिए सेवाकाल में जोड़ी जायेगी।

In spite of the modified order, the petitioner, who was retired w.e.f. 31.12.2005, is not being provided pension after reckoning his past services, though the petitioner is entitled for inclusion of earlier services rendered by him for the purposed of getting pensionary benefits in pursuance of the resolution

passed by the Board of management as well the order passed by the Vice Chancellor dated 12th November 1992.

In the forgoing circumstances, I deem it fit and proper to direct the petitioner to move representation before the Vice Chancellor, G.B. Pant University, Pantnagar, within a period of three weeks from today and it is expected that Vice Chancellor shall pass appropriate orders in the matter, taking into consideration the modified order passed by the Board of Management in its meeting and the letter issued by the then Vice Chancellor on 12th November 1992, within a period of six weeks from the date of production of a certified copy of this order, alongwith the representation.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

April 4, 2007:

NCM: